

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF NEBRASKA

TAMA PLASTIC INDUSTRY,	)	
	)	
Plaintiff,	)	8:12CV324
	)	
v.	)	
	)	
PRITCHETT TWINE & NET WRAP,	)	MEMORANDUM AND ORDER
LLC, and JOSEPH JERALD	)	
PRITCHETT,	)	
	)	
Defendants.	)	
_____	)	

This matter is before the Court on plaintiff's motion (Filing No. [311](#)) that the Court partially reconsider its *Markman* order (Filing No. [308](#)). The plaintiff objects to the Court's adoption of the defendants' construction of the claim term "knitted with."

In the Eighth Circuit, motions for reconsideration "serve a limited function: to correct manifest errors of law or fact or to present newly discovered evidence.'" *Arnold v. ADT Sec. Servs., Inc.*, 627 F.3d 716, 721 (8th Cir. 2010) (quoting *Hagerman v. Yukon Energy Corp.*, 839 F.2d 407, 414 (8th Cir. 1988)). Accordingly, a motion for reconsideration should be denied absent "(1) a showing of manifest error in the prior ruling; or (2) a showing of new facts or legal authority, neither of which could have been brought to the court's attention earlier

with reasonable diligence." *Activision TV, Inc. v. Bruning*,  
8:13CV215, 2014 WL 1350278, at \*1 (D. Neb. Apr. 4, 2014)

The plaintiff argues manifest error in the Court's analysis of claim construction. The plaintiff relies upon arguments involving intrinsic evidence which the Court has already considered in its *Markman* order. The Court has reviewed these arguments and finds them without merit. Accordingly,

IT IS ORDERED that the plaintiff's motion (Filing No. [311](#)) is denied.

DATED this 15th day of July, 2014.

BY THE COURT:

/s/ Lyle E. Strom

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LYLE E. STROM, Senior Judge  
United States District Court